



January 21, 2004

HOUSE BILL No. 1200

DIGEST OF HB 1200 (Updated January 14, 2004 1:30 pm - DI 107)

Citations Affected: IC 12-18.

Synopsis: Domestic violence fatality review team. Permits a coroner or deputy coroner to serve on a local domestic violence fatality review team. Requires a team to review a death resulting from domestic violence if the person who caused the death is charged with a crime that results in certain types of final judgment. (Current law requires a team review only when the person is charged with a crime resulting in a final judgment of conviction.) Makes the testimony of a local domestic violence fatality review team member or a report, record, or recommendation of a team inadmissible in a criminal or civil proceeding or a disciplinary action by a state agency or municipal corporation if the testimony or the report, record, or recommendation concerns the investigation of a death that the team has reviewed.

Effective: July 1, 2004.

Lawson L, Pond

January 13, 2004, read first time and referred to Committee on Judiciary.
January 20, 2004, amended, reported — Do Pass.

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HB 1200—LS 6680/DI 107+



January 21, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1200

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-18-8-6, AS ADDED BY P.L.181-2003,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 6. (a) A county may establish a county domestic
4 violence fatality review team for the purpose of reviewing a death
5 resulting from domestic violence. The team shall review only those
6 deaths in which the person who commits the act of domestic violence
7 resulting in death:

8 (1) is charged with a criminal offense that results in final
9 judgment; ~~of conviction~~; or

10 (2) commits suicide:

11 (A) that is related in time, place, and circumstance to the death
12 of the victim of domestic violence; and

13 (B) as determined by a coroner's certificate of death under
14 IC 36-2-14-6 or death verdict under IC 36-2-14-10.

15 (b) The legislative body (as defined in IC 36-1-2-9) of a county must
16 determine by majority vote if the county will establish a local domestic
17 violence fatality review team.

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(c) If a county elects not to establish a county domestic violence fatality review team, the county may join with one (1) or more other counties that have not established a county domestic violence fatality review team and form a regional domestic violence fatality review team.

(d) To establish a regional domestic violence fatality review team as described in subsection (c), the legislative body of each county comprising the region must cast a majority of votes in favor of establishing a regional domestic violence fatality review team.

SECTION 2. IC 12-18-8-10, AS ADDED BY P.L.181-2003, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) A local domestic violence fatality review team consists of the following members:

- (1) A survivor of domestic violence.
- (2) A domestic violence direct service provider.
- (3) A representative of law enforcement from the area served by the local domestic violence review team.
- (4) A prosecuting attorney or the prosecuting attorney's designee from the area served by the local domestic violence fatality review team.
- (5) An expert in the field of forensic pathology, **a coroner, or a deputy coroner.**
- (6) A medical practitioner with expertise in domestic violence.
- (7) A judge who hears civil or criminal cases.
- (8) An employee of a child protective services agency.

(b) If a local domestic violence fatality review team is established in one (1) county, the legislative body that voted to establish the local domestic violence fatality review team under section 6 of this chapter shall:

- (1) adopt an ordinance for the appointment and reappointment of members of the local domestic violence fatality review team; and
- (2) appoint members to the local domestic violence fatality review team under the ordinance adopted.

(c) If a local domestic violence fatality review team is established in a region, the county legislative bodies that voted to establish the local domestic violence fatality review team under section 6 of this chapter shall:

- (1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local domestic violence fatality review team; and
- (2) appoint members to the local domestic violence fatality review team under the ordinances adopted.

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1 (d) A local domestic violence fatality review team may not have
2 more than fifteen (15) members.

3 SECTION 3. IC 12-18-8-16 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2004]: **Sec. 16. In a criminal or civil proceeding or a disciplinary**
6 **action by a state agency or municipal corporation (as defined in**
7 **IC 36-1-2-10):**

8 (1) the testimony of a member of a local domestic fatality
9 review team; or

10 (2) a report, record, or recommendation of a local domestic
11 fatality review team;

12 is not admissible as evidence if the testimony or the report, record,
13 or recommendation concerns the investigation of a death that the
14 local domestic violence fatality review team has reviewed.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1200, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 21, delete "pathology or" and insert "pathology,".

Page 2, line 21, delete "coroner." and insert "**coroner, or a deputy coroner.**".

and when so amended that said bill do pass.

(Reference is to HB 1200 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 13, nays 0.

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